

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

UNITED STATES OF AMERICA, :
:
Plaintiff, : Case No. 3:20-cr-7
:
v. : Judge Thomas M. Rose
:
MARK N. GREENBERG, :
:
Defendant. :
:

**ENTRY AND ORDER GRANTING DEFENDANT'S MOTION TO STRIKE
GOVERNMENT RESPONSE TO DEFENDANT'S REPLY (DOC. NO. 68) AND
STRIKING THE GOVERNMENT'S RESPONSE TO DEFENDANT'S REPLY
(DOC. NO. 67)**

Before the Court is the Defendant's Objection to and Motion to Strike Government Response to Defendant's Reply (Doc. No. 68). On December 3, 2021, the Government filed a "Response to Defendant's Reply" (Doc. No. 67) (the "Sur-Reply"). As shown in its title, the Government filed the Sur-Reply in response to the Defendant's Reply memorandum in support of Defendant's motion for compassionate release. (*See* Doc. No. 67.) In violation of S.D. Ohio Civ. R. 7.2(a)(2), the Government filed the Sur-Reply without obtaining leave from the Court to do so. S.D. Ohio Civ. R. 7.2(a)(2) ("[n]o additional memoranda beyond those enumerated are permitted except upon leave of court for good cause shown"); *see also Petrovic v. United States*, No. 06-4531, 2018 U.S. App. LEXIS 15620, 2018 WL 4959031, at *3 (6th Cir. June 8, 2018) ("[w]e affirm the district court's decision to strike [a party's] surreply because the district court did not abuse its discretion, considering the relevant local rule does not allow surreplies and [the party] did not seek leave to file one"). Therefore, the Court **GRANTS** the Defendant's Motion

to Strike Government Response to Defendant's Reply (within Doc. No. 68) and **STRIKES** the Government's Response to Defendant's Reply (Doc. No. 67).

DONE and **ORDERED** in Dayton, Ohio, this Thursday, January 20, 2022.

s/Thomas M. Rose

THOMAS M. ROSE
UNITED STATES DISTRICT JUDGE